

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

PATRICIA DANIELS and LARRY )  
DANIELS, individually and as )  
Husband and Wife, )  
Plaintiffs, )  
vs. ) Case No. 1:21-cv-00460  
WALMART INC. d/b/a WALMART, )  
Defendant. )

**NOTICE AND PETITION FOR REMOVAL**

COMES NOW Defendant, Walmart Inc. d/b/a Walmart (“Walmart”), by counsel, pursuant to Title 28, United States Code, Section 1446, and respectfully petitions the Court as follows:

1. On November 18, 2021, Plaintiffs filed a civil action in the Allen Superior Court, Cause No. 02D01-2111-CT-000605, originally captioned *Patricia Daniels and Larry Daniels, Individually and as Husband and Wife v. Walmart Inc. d/b/a Walmart*. Plaintiffs’ Complaint for Damages alleges generally that Patricia Daniels sustained personal injuries at a Walmart store on or about May 6, 2020, due to the negligence of the Defendant.

2. The Complaint and Summons were served on the Defendant on or about December 1, 2021. A true and accurate copy of the Complaint for Damages and Summons are attached hereto as Exhibit “A” and “B” respectively.

3. The above-described action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332(a) and is one which may be removed to this Court by the Defendant, pursuant to the provisions of 28 U.S.C. §1441 in that jurisdiction of this

action exists in this Court by reason of diversity of citizenship. More specifically, the Plaintiffs are residents and citizens of the State of Indiana. Defendant Walmart, Inc. is a Delaware corporation with its principal place of business located in the State of Arkansas.

4. The Defendant has filed a Notice of Filing Petition for Removal contemporaneously herewith in the Allen Superior Court.

5. The amount in controversy in this case exceeds \$75,000.00.

6. Copies of all pleadings and orders filed in the Allen Superior Court are attached as Exhibit "C".

WHEREFORE, Defendant prays that the action above now pending against it in the Allen Superior Court, be removed therefrom to this Court forthwith, and for all other just and proper relief in the premises.

Respectfully submitted,

BARRETT McNAGNY LLP

By: /s/Robert T. Keen, Jr.

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*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 10<sup>th</sup> day of December, 2021, electronically filed the foregoing with the Clerk of the Court using the CM/ECF which sent notification of such filing to the following:

David Singleton  
Blackburn & Green  
4203 W. Jefferson Blvd.  
Fort Wayne, IN 46804  
*Attorneys for Plaintiff*

/s/Robert T. Keen, Jr.

Robert T. Keen, Jr.